August 1976

Sexual Ethics: Reaction and Critique

Charles E. Curran

Follow this and additional works at: http://epublications.marquette.edu/lnq

Recommended Citation
Available at: http://epublications.marquette.edu/lnq/vol43/iss3/5
The Sacred Congregation for the Doctrine of the Faith on January 15, 1976, officially released a "Declaration on Certain Questions Concerning Sexual Ethics," which was signed on December 29, 1975, after having been approved by the Pope. A brief summary of the contents is in order, but one must study the entire statement which is comparatively short in order to assess it properly. After noting the unbridled exaltation of sex and a licentious hedonism in our society, the document points out that the true meaning and value of human sexuality is to be found in revelation and in the essential order of nature where one finds the immutable principles of the divine law by which God directs the universe. These absolute norms are not changed by historical and cultural circumstances, since they are based on the function and nature of the sexual faculty and act (n.1-n.5).

The Declaration does not intend to deal with all the abuses of the sexual faculty but to repeat the church's teaching on some particular points. Every genital act must be within the framework of marriage so premarital sex, even when there is a firm inten-
tion to marry, is morally wrong (n.7). The document distinguishes between homosexuality as transitory or as definitive and incurable. For the definitive homosexual, homosexual acts can never be morally justified as right; but on the pastoral level such persons must be treated with understanding and the moral culpability of their acts judged with prudence (n.8). On the basis of the nature of the finality of the sexual faculty, masturbation is condemned as an intrinsically and seriously disordered act. Although psychological and sociological factors cannot contradict this judgment, psychology does help us to arrive at a more equitable judgment on moral responsibility. Psychological imbalance and habit can reduce culpability in masturbation and in other matters of sexuality, but the absence of serious responsibility must not be presumed (n.9).

The document points out errors that deny or minimize the reality of mortal or grave sin in sexual matters and in particular rejects false concepts based on the theory of fundamental option which assert that sin exists only in the formal refusal of God's love. The Congregation repeats the teaching that in sexuality all direct violations of the sexual order are grave—the traditional teaching in the manuals that in sexual matters there is no parvity of matter. However, in sexual matters free and full consent is not as easily and readily present as in other matters. The Vatican statement ends with a recognition of the importance of the virtue of chastity by which one avoids the above mentioned faults and also attains higher and more positive goals. Finally, the bishops are urged to make sure that this teaching is properly imparted to the faithful.

Reaction to the Document

Many national groups of bishops either through their president or as a body issued statements praising the document. The pages of Osservatore Romano in the days immediately following the release of the text contain in full or in part many of these reactions from national hierarchies. For example, Archbishop Joseph L. Bernardin, President of the United States National Conference of Catholic Bishops, stated: "The Holy See's declaration is a welcome reaffirmation of traditional Catholic teaching on sexual morality," and praised it for being "clear, pastoral, and timely."

In general these statements affirm the allegiance of the bishops to the teaching, point out the prophetic courage involved in speaking out against poor understandings of human sexuality in our society, and emphasize the need for the Catholic faithful to be guided by this teaching.

In a few episcopal statements there were occasional doubts and hesitations often using as an opening wedge the following statement found in the document itself—"This traditional doctrine must be studied more deeply. It
must be handed on in a way capable of properly enlightening the consciences of those confronted with new situations, and it must be enriched with a discernment of all the elements that can truthfully and usefully be brought forward about the meaning and value of human sexuality” (n.13).

Cardinal Doepfner, speaking for the German Episcopal Conference, generally agreed with the document but criticized it for its deductive methodology which makes it more difficult to understand and also pointed out that many will regret that some points have not been treated in a more detailed and differentiated manner. 3

Individual bishops have issued their own commentaries on the pronouncement and in so doing some (e.g., Bishop Mugavero of Brooklyn, Bishop LeBourgeois of the French diocese of Autun and president of the French bishops’ committee on Christian unity) have proposed the teaching in a much more positive and pastoral way. 4 The pastoral letter of Bishop Mugavero develops in the first place the meaning and value of human sexuality in the light of a permanent loving relationship; emphasizes the respect for persons which was mentioned in the original document; does not mention the questions of parvity of matter and mortal sin; in general proposes the teaching in a more positive, pastoral and appealing manner; and also calls for no legal discrimination against homosexuals.

August, 1976

Reaction in the secular press especially in Europe was generally negative even though the sexual excesses of contemporary society were often acknowledged. 5 In the United States the secular press reported the contents of the document, but there was little or no editorial comment or discussion about the teaching. Many major papers also carried an article or two containing some negative comments on and reactions to the Declaration from Catholics including Catholic homosexual groups, but there was no extended discussion in the secular press. 6 The New York Daily News printed one commentary of a critical nature by John Deedy, the managing editor of the Commonweal, and later after some protest printed a more favorable and positive commentary by Msgr. George A. Kelly, former Director of the Family Life Bureau of the Archdiocese of New York and now holding a chair in contemporary Catholic problems at St. John’s University. 7 One grievous violation of journalistic ethics must be mentioned. Quotidien de Paris sent reporters to six different confessors confessing the sin of masturbation and published what was the reaction of the different confessors. Cardinal Marty of Paris vigorously protested this type of journalism. 8

Within the Roman Catholic press, the readers of Osservatore Romano would never have known there had been any criticism of the document except for laments by some of their authors that the
Declaration was either rejected or misunderstood by many in the mass media and in society at large. Osservatore Romano faithfully reported the favorable responses from most of the bishops' conferences in the world. In addition, for over two weeks there regularly appeared on the front page a comparatively long article on the Declaration including essays by Roman theologians such as Delhaye, Garofalo, Spiazzi, and Ahern as well as by various bishops. Some of the articles (e.g., those of Sardi and Capone) mark a definite improvement over the teaching proposed in the pronouncement by the Congregation.

Paolo Sardi of the theological faculty of Torino wrote a very sensitive article on premarital sexuality beginning with a discussion of the contemporary situation in which many people, for reasons other than bad will, find it difficult to accept the present church teaching on sexuality. Bourgeois hypocrisy, abnormal prolongation of the prematrimonial period, social and cultural circumstances, and inadequate education and motivation are among the factors why people cannot always accept the church's teaching. In this regard Sardi calls for a broad based understanding of human sexuality including anthropological, theological, psychological, social and procreative dimensions. He develops to a greater extent the distinction between the objective and subjective order found in the statement of the Congregation and calls for prudent judgments about moral guilt especially in the light of social customs, cultural prejudices, objectively difficult situations, nonculpable personal immaturity and other factors that can blind the intellect and strongly influence the will.9

In an article on homosexuality Domenico Capone develops the notion of the prudent judgment which the Congregation calls for in evaluating subjective guilt. The theology of the manuals replaced prudence with a science of cases, but the call to prudence echoes the approach of St. Thomas Aquinas and St. Alphonsus Liguori which takes account of the contingent and allows for greater flexibility while striving for a synthesis between the objective norm and the subjective situation.10 These two articles together with the statements of some bishops as mentioned earlier show that the teaching of the document can be presented in a more positive and meaningful way.

The Catholic press in the United States carried various articles on the Declaration as well as comments of some critics and supporters of the document. Some editorial criticisms as illustrated in a very forthright editorial in the Brooklyn Tablet manifest a significantly new sign of the times. The editorial writer points out that the Declaration extends the methodological reasoning of Humanae Vitae to related issues, but it was precisely the reasoning in Humanae Vitae which many Catholics including bishops could not totally accept. The document
is described as more of a polemic than an instruction which occasionally oversimplifies and caricatures various positions. The criticism is quite severe—objections are often ignored; new cultural situations are dismissed; the historical conditioning of past teaching is ignored; homosexuals are called to do what is admittedly impossible; the section on masturbation in reality does not accept the psychological data it claims to incorporate. “This is a difficult document with serious flaws, and a theological base which remains to be justified in the light of, not individual theologians but whole schools of contemporary theology.”

The same phenomenon of criticism and even some dissent in the popular Catholic press was found in an editorial of the influential London Tablet. The editor remarks that “in this country, at any rate, it [the Declaration] cannot be described as appropriate.” The editorial points out that the caring church today is no longer content to slam the door on people with categorical prohibitions especially in areas of their affective life but concerned rather to show how their experience can be a way, even through many vagaries, to a deeper appreciation of the gospel of love. The document is also criticized for disassociating itself from the patient work and positive achievement of other Christian traditions.

Theologically opinion in the United States was divided. Carl J. Peter of the Catholic University of America praised the document as a courageous act, and John Harvey also generally supported its teaching. The Catholic press recorded negative reactions by Sean O'Riordan, an Irish Redemptionist priest teaching at the Academia Alfonsana in Rome, and disappointment and disagreement with some aspects expressed by Charles Curran. Richard McCormick’s short, incisive commentary disagreed with the notion of sin found in the document and criticized especially the methodology employed without mentioning the substantive questions. Daniel Maguire in a balanced and perceptive commentary disagreed with both methodological and substantive questions and pointed out the document does justice neither to the subject nor to the Catholic tradition. Maguire would seem to agree with Gregory Baum who sees marriage as the ideal context of sexuality but explicitly declares that there is a responsible context for sexual relations for mature single people, also the widowed and the divorced.

Elsewhere, Dennis O’Callaghan in the Irish pastoral publication The Furrow raised questions about the absolute and intrinsic nature of sexual ethics in the document and challenges the theory there is no parvity of matter in sexual ethics. Herbert Richards, editor of the Clergy Review in England, also criticized the methodology employed in the document. The most significant, organized theological criticism and
strong dissent came from forty-six French theologians in the region near Lyons who disagreed with the individualistic and legalistic approach as well as the document's outdated philosophy, its abusive authoritarianism and its emphasis on fear. Weak and hopeful human beings are condemned as legal sinners; they find in this document neither truth nor justice nor the love of God.\textsuperscript{20} This survey of reactions is not intended to be exhaustive but rather representative especially of the existence of criticism and of the nature of that criticism.

The Context
The document must be seen and judged in the light of the broader contemporary context. On the one hand, one must readily acknowledge that in our culture there are changing attitudes toward the meaning of sexuality and of human sexual behavior. My own theological perspective argues for a critical approach to cultural and historical developments that avoids the error of embracing them all as good or rejecting them all as evil. There are many negative aspects in the contemporary cultural attitudes to human sexuality. In so many different ways human sexuality has been depersonalized. In a consumer oriented society sex has often become an object of consumption and exploitation. Eroticism and exhibitionism are flagrantly proposed in our society. Forms of impersonal sex abound in our culture whether in the pages of men's (and women's) magazines, in the mass media, in the advertising of products or in the massage parlors and adult movie houses that clutter our city streets. A narrow pursuit of pleasure, an unwillingness to accept the obligations of deeper and more profound human relationships and an inability to understand the need for discipline and true asceticism often characterize contemporary life. In the light of these and other developments many speak of a sexual revolution which has occurred in our day.

In many ways it is accurate to speak of a sexual revolution in our culture, but human sexuality throughout the course of history has not only mediated the love union of partners but has also been the occasion of exploitation, tragedy, domination and suffering. Pierre Grelot recognizes that even in the Old Testament, sexuality remained a frail thing, constantly threatened and far removed from the original ideal.\textsuperscript{21} At the same time one must acknowledge some good aspects in the contemporary approach to human sexuality. Today marriage can be much more a personal union than in the past and in many other cultures. Taboos and unscientific myths (e.g., damage coming to the adolescent from masturbation) have rightly been shattered. In the contemporary climate of openness (which too often goes overboard into permissiveness) there is less room for the hypocrisy which often surrounded sexuality in the past.
An understanding of the context must also consider the traditional teaching of the Catholic Church as proposed in the Declaration. There is no doubt that the church, as the community of those gathered around the risen Lord striving to live out the gospel message, has much to say of importance about the meaning of human sexuality. Through revelation, tradition and the experience of Christian people throughout the ages amid various cultures and societies the church can and should impart to contemporary Christians and all human beings its understanding of human sexuality.

However, the "traditional" Catholic teaching on sexuality has not been universally accepted even by many Catholics today. All realize that in the course of the historic development of Christian teaching within the church there has come into that teaching at times a negative and pessimistic attitude toward human sexuality as illustrated by the remarks of Gregory of Nyssa, Jerome and Augustine.\(^2\)

There are even greater problems with the so-called traditional teachings here and now in the contemporary theological climate. The document emphasizes the same understanding of and methodological approach to sexuality as found in the encyclical *Humanae Vitae*. Many Catholics in both theory and in practice have been unable to accept the teaching proposed in *Humanae Vitae*; in fact, in the mind of many the credibility of the church as teacher in the area of human sexuality has been seriously weakened by that encyclical. Sexuality definitely poses a problem for human society and human beings today, but there is also no doubt that sexuality also poses a serious problem for the so-called traditional understanding of sexual morality as found in *Humanae Vitae* and in the present document.\(^3\) Even those who do not agree with the above critique of the teaching found in *Humanae Vitae* must at least acknowledge that many people both within and outside the Catholic Church do react in this way.

**Preliminary Assessment**

**Doctrinal and ecclesial authority.** The first point in any assessment of the document is to understand properly the nature and authority which such a Declaration has in accord with Roman Catholic ecclesiology. This pronouncement is a Declaration from the Congregation for the Doctrine of the Faith. It is not a papal pronouncement as such and hence has less doctrinal importance and significance than papal statements. Even in the area of papal pronouncements there are important differences among the various documents. About the same time as the Doctrinal Congregation issued this Declaration on sexual ethics, the pope issued an Apostolic Exhortation on evangelization.\(^4\) Very few Catholics have even heard of the papal pronouncement on evangelization.
zation although by its very nature and length it is of greater ecclesial significance and import. Cardinal Marty of Paris pointed up the different ways in which the secular press has treated both documents;\textsuperscript{25} but, on the one hand, Osservatore Romano has been guilty of even more over-kill on the sexual document.

Documents emanating from Roman Congregations are of different kinds. A declaration, according to Francis Morrisey who has studied the question from the juridical perspective, generally speaking does not propose anything new but merely calls to mind the traditional teaching or law as the case may be.\textsuperscript{26} The present Declaration understands its own function merely as repeating the church's doctrine on particular points (n. 6). Earlier Declarations on Christology and abortion had a similar purpose (e.g., Declaration on Procured Abortion of the Congregation for the Doctrine of the Faith, Nov. 18, 1974, n. 4), but they received comparatively little attention in the press and in the life of the church.

In many ways the reaction to the encyclical \textit{Humanae Vitae} marked a significant turning point in the Roman Catholic Church, for it was now acknowledged by many that there existed within the church a right to dissent from authoritative, non-infallible, papal teaching. In this case, a declaration of a Roman congregation is of much less doctrinal and authoritative import than a papal encyclical although until a few years ago such decrees ended theological and practical disagreements within Roman Catholicism. Obviously Catholics must pay respectful attention to such documents, but dissent or criticism remains a possibility. The criticism that has arisen concerning this document not only from the part of theologians but also in the popular Catholic press indicates a sign of a greater maturity already existing within the Roman Catholic Church even though one wishes that the negative criticism were not necessary.

\textit{The preparation of the document and its tone.} Apparently this Declaration was a product of the Roman curia with no direct input from the bishops around the world. Such a procedure is not only against the spirit of collegiality which was recognized in the church by the Second Vatican Council, but it also prevents the document from having a greater internal authority. From many comments that followed, it seems that consultation with the bishops would definitely have resulted in a much better document. One can only hope that the bishops throughout the would strongly protest such a procedure which is ecclesiastically unacceptable and detrimental to the credibility of the church as teacher in the world.

Mention has frequently been made of the negative and legalistic tone of the document. At the very minimum church authority should recognize that these docu-
ments are no longer read only by bishops, theologians and experts, but are diffused throughout the Christian community and read also by many nonbelievers. At the very least such documents must be written with the general public in mind and seen as a way of educating and motivating both members of the church and others.

In general, it would have been much more appropriate to discuss sexuality in terms of the basic Christian vision which affirms the goodness of sexuality and all creation, the redemptive transformation of human sexuality in the light of the mystery of Christ, but also the fragility and tragic aspect of human sexuality which is always threatened by human limitations and sinfulness. The meaning and value of human sexuality should be developed in terms of the person's openness to another human being and to a fruitful and creative life-giving love. Only after explaining the meaning and value of human sexuality should the document raise the question of the norms, criteria or laws which govern human sexuality. Laws or norms of some type are necessary; but they should not receive the first, primary and only emphasis, since norms are derived from the prior understanding and meaning of sexuality and its various values.

There exists explicit evidence within the document itself of a very negative approach to moral pedagogy. The Declaration sees the fear of sin as a very significant if not the primary motivating factor for the observance of the norms of human sexuality. Especially among the less fervent Christians the practice of chastity has been endangered by the tendency to minimize the reality of grave sin (n. 10). Even more importantly, the tone of the pronouncement is closely connected with the moral methodology which will now be considered.

Critique of Methodology

The methodology employed in the document is substantially the same approach as used in the encyclical Humanae Vitae. The meaning of human sexuality is found in the essential order of human nature. Here one discovers the immutable principles which transcend historical categories. More especially the document reduces the essential order of nature to the finality and structure of the sexual act—it is respect for its finality that insures the moral goodness of this act (n. 5). “This same principle...is also the basis of her traditional doctrine which states that the use of the sexual function has its true meaning and moral rectitude only in true marriage” (n. 5).

The faults and shortcomings of such a methodology are numerous. First, not enough attention is given to historical and cultural developments and differences. The “essential order” and “immutable principles” based on constituent elements and essential relations are contrasted with historical contingencies. These fundamental
principles are described as “eternal, objective and universal” (n. 3). Thus not enough importance is given to developing, historical, and cultural realities. Catholic tradition itself in some ways argues against such an approach as illustrated in the developing theory of the nature of marriage (consent, handing over of the bride, a contract, a covenant?) which has definitely been affected by the historical and cultural understandings of the meaning of marriage.

Secondly, and in a related manner, the document mentions that human beings “discover, by the light of their own intelligence, the values innate in their nature” (n. 3). The Declaration sees meaning as something imbedded in human nature which the intellect in a somewhat passive way discovers as already being there. Contemporary epistemology gives a much more active role to the human person who positively is called to develop and to give meaning to human reality.

Thirdly, the first two deficiencies already mentioned naturally presuppose a more deductive methodology based on the eternal, universal principles found in human nature. The Declaration cannot and does not employ the methodology of the Pastoral Constitution on the Church in the Modern World of the Second Vatican Council which begins its consideration of each question with a reading of the signs of the times—a much more inductive methodological approach which gives greater recognition to historical and cultural developments as well as to ongoing human creativity.

Fourthly, the teaching is based on the finality of the sexual act or faculty and does not give enough importance to the personal aspect. Note, for example, how the pronouncement refers to the problem in terms of “abuses of the sexual faculty” (n. 6) and identifies the problem as trying to discover the true “use of the sexual faculty” (n. 5). However, sexual acts and faculties can never be viewed only in themselves but must be seen in terms of the person and the individual person’s relationship with other persons. The Congregation for the Doctrine of the Faith cites the text from the Second Vatican Council insisting that sexual morality is based on the nature of the person and his acts (n. 5), but does not really adopt such a methodology in practice. As a result the methodology itself is not only inadequate but the tone is cold and impersonal. There is comparatively little mention of the relationship between love and sexuality, for sexuality is seen primarily in terms of acts, faculties and functions.

Fifthly, the Declaration is guilty of physicalism, since it understands sexuality primarily if not exclusively in the light of the finality of the sexual act itself. Such a defect is clearly associated with the emphasis on the act alone and not on the person. The personal dimension of sexuality,
the whole psychological aspect of human sexuality and human sexual maturity as a goal toward which one strives are all missing. By focusing the ethical analysis unilaterally on the physical act and the faculty, there is little or no room for considerations of the psychological, the personal, the relational, the transcendent and other important aspects of human sexuality.

Sixthly, an emphasis on law and on the certitude of such laws characterizes the moral approach of this pronouncement. After mentioning the values innate in human nature, the document quickly asserts that human judgments are not made according to personal whim but according to the law written by God on the human heart. This law is the divine law—eternal, objective and universal, which is accessible to our mind (n. 3). In the nature of human sexuality one finds fundamental “principles and norms which have absolute and immutable value” (n. 4).

In this methodology law becomes the primary ethical model and consideration. In my judgment there must always be a place for principles, norms and laws in the Christian life, but law is not the primary ethical model nor the most fundamental moral consideration. The model of relationality-responsibility, not the model of law and obedience, should be primary in Christian ethics. The document wrongly gives first and foremost place to considerations of laws and norms rather than speaking about the value and meaning of human sexuality in the full Christian and human context. Laws have their primary function in protecting and preserving the different moral values at stake, but the values come first. Here again the methodology employed affects the legalistic and impersonal tone of the document.

In an unnuanced manner the Declaration asserts with too great a certitude the existence of immutable, eternal, and universal norms in the area of sexuality. Contemporary moral theology is rightly probing the role and function of laws in the moral life in general. The document itself seems to identify the concepts of norms, principles and laws which perhaps should be distinguished according to the degree of specificity involved. By reading laws in the nature and finality of the sexual act, the claim can more easily be made for eternal, immutable and universal laws. But if one understands law as a protector of values, then laws cannot be proposed with such certitude for many factors come into consideration. St. Thomas Aquinas himself recognized that as one descends to more particular questions the laws more readily admit of exceptions and oblige only ut in pluribus. Aquinas thus presupposes a sound epistemology which recognizes the difficulty of immutable, eternal and universal laws in dealing with more specific and particular questions. In addition, one can and at times should
appeal to communitarian and social needs to establish the existence of laws and norms. In general, the approach of the Declaration is much too one-sided.

Seventhly, the Congregation does not pay sufficient attention to the experiences of people and praxis—aspects which are being accentuated in contemporary theology. One must be careful never to absolutize contemporary experience, for a critique is always called for. But contemporary experience cannot be totally neglected or given little or no import. The lack of emphasis on experience and praxis coheres with the historical and deductive approach of the document which bases its methodology primarily on the structure and finality of the sexual act itself. Without any supportive data the Vatican Declaration appeals to the magisterium and to the moral sense of the Christian people to support the contention that homosexual relations cannot be judged indulgently or even excused (n. 8) and that masturbation is an intrinsically and gravely disordered act. It seems to me that at the very least the last statement cannot be verified, and I would argue for the contrary.

Eighthly, the use of scripture is open to question. Contemporary theology recognizes the hermeneutic problem of first understanding what precisely was meant by the author in the times and circumstances in which the document was written and then applying this teaching to the contemporary scene with its different historical and cultural circumstances. The scriptures cannot be treated as if they are a book containing laws which are given for all time. This approach does not deny the fact that there can be such laws and norms but only realizes the difficulty of merely asserting them on the basis of certain scriptural quotations. In this connection one must question the use of one or more scriptural quotations to prove the existence of absolute moral norms as done by the pronouncement of the Congregation. At the very least one must do more than cite eight scriptural texts to prove that "sexual intercourse outside marriage is formally condemned" (note 16). Likewise, some scripture scholars challenge the assertion of footnote 18 that Romans 1: 24-27 flatly condemns all homosexual actions for all people.

Eight methodological shortcomings of this Declaration have been pointed out. One can and should conclude from this that the methodology of the Declaration is not in keeping with what in my judgment is the best in Catholic theological reflection. A comparison of this approach with such representative articles on sexuality as found in Sacramentum Mundi, the Lexikon für Theologie und Kirche, and the Dizionario Enciclopedico di Teologia Morale confirms the negative judgment and critique of the methodology employed by the Congregation. The methodological approach of the Declaration
does not do justice to the fullness of the Christian tradition on sexuality and tends to render that teaching less credible in the eyes of many. Yes, there are many excesses in the area of sexuality in our contemporary world and our society badly needs the right of the gospel and human experience in order to understand better and live out the full human and Christian meaning of sexuality. Unfortunately the Declaration is neither an adequate response to the needs of the time nor representative of the best of Catholic thought.

Substantive Critique

The Declaration of the Congregation for the Doctrine of the Faith considers four substantive questions—sin and mortal sin, premarital sexuality, homosexuality and masturbation. Since I have treated these subjects at length elsewhere, there is no need for an extended development here but only a few comments and reflections. 29

Mortal sin. The discussion on mortal sin and the fundamental option tends to be a caricature of what is generally accepted teaching in contemporary Roman Catholic theology and has strong roots in Thomistic thought itself. 30 The document describes the opinions of some who see mortal sin only in a formal refusal directly opposed to God’s call and not in particular human acts (n. 10). To my knowledge no reputable Catholic theologian holds such a position because our relationship with God is mediated in and through our relationship with neighbor and self. However, as the theory of the fundamental option rightly points out, mortal sin is a much less frequent occurrence in the lives of Christians than was recognized in an older understanding of mortal sin. Why?

An older theology understood mortal sin in terms of an act against the law of God, but my theory of fundamental option sees mortal sin not primarily in terms of acts but ultimately in terms of breaking the relationship of love with God, neighbor and the world. The external act involves mortal sin only if it signifies and expresses the breaking of the fundamental relationship of love with God. Moral theology can and should describe certain acts as right or wrong — e.g., murder, adultery, lying, etc.; but one can never know just from the external act alone whether or not mortal sin is present. The fundamental option basically involves the relationship of love by which the person is linked to God. In the words of the manuals of theology mortal sin involves one’s going from the state of grace to the state of sin and is not just the external act as such. The relational understanding of fundamental option recognizes that this relationship is always mediated in and through particular actions, but the external act in itself cannot be determinative of the existence of mortal sin. Mention has already been made of the poor pedagogy based on the fear of mortal sin as a motivating force for Christian
people especially less fervent ones.

In this same section (n. 10) the document affirms that every direct violation of the sexual order is objectively serious—the teaching that is found in the manuals of moral theology that in matters of sexuality there is no parvity of matter. It is not exact to say that according to this teaching every sin against sexuality is a mortal sin; the correct interpretation states that every act against the sexual order, even an imperfect sexual actuation, involves grave matter, but one must also consider the involvement of intellect and will before talking about grave sin.

I deny there is no parvity of matter in sexuality. At the very most, the concept of grave matter constitutes a presumptive judgment that such matter is of such great importance that it will ordinarily involve a fundamental option and break the relationship of love. In a fuller understanding of human sexuality as contrasted with the narrow methodological approach criticized earlier, this assertion that violations of the sexual order always involve grave matter does not seem to be true. There is no other moral virtue in Christian moral theology whose violation always involves grave matter. Why should chastity and sexuality be different? For many centuries church authorities prevented any free discussion of this question. Today many theologians rightly reject such a teaching.\textsuperscript{31} The question of parvity of matter will be discussed later in greater detail.

Premarital sexuality. The Declaration somewhat astonishingly considers especially and almost exclusively the case in which there is a firm intention on the part of the partners to marry but the celebration of marriage is impeded. Many ministers in pastoral practice wonder much more about the vast majority of cases in which there is no firm intention to marry. According to the Congregation the requirements of the finality of sexual intercourse and human dignity call for a conjugal contract sanctioned and guaranteed by society (n. 7). Here again note the emphasis on the judicial notion of contract rather than the more personalistic and relational concept of marital covenant.

Ordinarily the couple should be willing to witness to the permanent covenant of their love by a public and societal proclamation to others of their love. However, at times there might be some even legitimate reasons why the ceremony is impeded. If there is a true covenant of marital love, there does not seem to be much of a problem from a moral viewpoint although ordinarily such a covenant of love should be publicly witnessed and proclaimed.

What about the case of those who have no intention of marriage but are living together or having sexual relations with one another? This is a phenomenon which has always occurred in human society but at the very least is probably more acceptable and publicly ac-
knowned in our contemporary world. The argument is often proposed that sexual relations is a sign of their loving relationship here and now but does not necessarily entail a permanent commitment on the part of both persons. Yes, sexuality must be seen as basically something good, a vehicle of love and fulfillment; but also one can never forget the fragile character of human sexuality, its effect on society and the institution of marriage as well as the possibility of sinful exploitation of one another.

This is not the place to develop a positive theology of the meaning of human sexuality, but in general sexuality should be seen in the context of a loving relationship of male and female. There is also a relationship between sexuality and the procreation of new life as the fruit of sexual love, but even within marriage there are times when procreation either cannot or should not occur. The language, signification and meaning of sexuality point to a transcending love that unites the partners. The full ideal meaning of human sexuality in my judgment is in terms of a permanent commitment of love between a man and a woman.

What about those who do not accept in theory or in practice such an understanding of the meaning and significance of human sexuality? They are not necessarily in mortal sin or excluded from the eucharistic community. There are many reasons for prudently acknowledging that in our present culture and historical circumstances the pursuit of this ideal is more difficult than before. Likewise many people will come to the full meaning of human sexuality only through their own personal experience. Sexual relations which fall short of this moral ideal still incorporate some of the values of sexuality. These persons must be challenged to grow and to discover the full meaning and ideal of human sexuality in their own lives. Such an approach builds on and carries somewhat further the distinction mentioned in the Declaration itself on the difference between the objective order and the pastoral order. Some Catholics today, for example Louis Belrmaert, are questioning if the contemporary situation of human sexuality really makes the ideal more difficult to attain or if these conditions have changed the very meaning of human sexuality.32

Homosexuality. The statement from the Congregation properly recognizes the two levels of the objective moral order and of the subjective condition of the person and also realizes there are some persons who are incurably and definitively homosexual (n. 8). While calling for such people to be treated with understanding and for their culpability to be judged with prudence, the document warns against morally justifying these actions (n. 8).

One problem with such an approach is that the incurable and definitive homosexual on the moral level is asked to live in accord
with the charism of celibacy. Can one claim that such a charism is given to all definitive homosexuals? My approach for the definitive or irreversible homosexual is based on the theory of compromise which acknowledges that because of this condition, for which the individual is in no way responsible, these actions are not wrong for this individual provided there is a context of a loving commitment to another. However this does not imply there are no ethical differences between heterosexuality and homosexuality, but for the irreversible homosexual there is no other way to achieve some basic human fulfillment as a person. Thus even on the level of the moral order for this particular individual person in a certain sense these actions within a loving commitment are not wrong.

*Masturbation.* According to the document issued by the Vatican Congregation, masturbation is an intrinsically and seriously disordered act (n. 9). I deny this assertion which in my view comes from the poor methodological perspective from which sexuality in general and masturbation in particular are viewed in parts of the Catholic tradition and in this particular statement. Masturbation is seen primarily in terms of the physical aspect, limited to an analysis of the act apart from the person, with too much emphasis given to the procreative aspect of the act whose importance was even further exaggerated by the poor biological knowledge of an earlier age in attaching too great significance to human semen. Individual masturbatory acts seen in the context of the person and the meaning of human sexuality do not constitute such important matter. Especially for the adolescent there is good evidence that the growth process toward the ideal of human sexuality must go through a period of adolescent masturbation. Such individual acts are not of great importance or ethical significance provided the individual is truly growing in sexual maturity and integration. To claim that masturbatory actions constitute an intrinsic and serious disorder is inaccurate from a theological viewpoint, often harmful from a psychological perspective and frequently counterproductive from a pedagogical perspective.

Are acts of masturbation then totally good and praiseworthy? No. Masturbation is generally symptomatic behavior and it is important to recognize what it is signifying. It can be symptomatic of a true inversion so that the individual is completely self-centered; or symptomatic of the fact that the divorced or separated person misses the sexual relationship of marriage; or symptomatic of the loneliness of an individual; or symptomatic of the fact that married couples are somehow or other unable to have sexual relations; or symptomatic of the sexual tension existing in a person. The reality of masturbation always falls short of the ideal meaning of human sexuality and indi-
cates a lack of total integration of sexuality in the life of the person, but such actions very frequently are not of grave moral significance or importance in themselves. Such a nuanced judgment wants to avoid the unfortunate excesses of the past Catholic thought without on the other hand maintaining that such actions are always perfectly good.

In conclusion, Christians and Catholics like many others in society are searching for the true meaning of human sexuality. No one can deny the many abuses of sexuality in our culture, but at the same time the methodological approach of the Catholic tradition as incorporated in this document and in Humanae Vitae needs to be criticized and changed. This evaluation and critique has tried to point toward an approach to human sexuality that is more responsive to the best of the Christian and Catholic traditions and to the needs of the times with the realization that our teaching must be constantly open to the insights of the gospel and of human experience.

REFERENCES


8. La Documentation Catholique 73, n. 1692 (15 février 1976) 179.


12. The Tablet 230 (January 24, 1976), 73-75.


17. Maguire, Daniel C., “The Vatican on Sex,” Commonweal 103, n. 5 (February 27, 1976), 137-140.


20. La Documentation Catholique 73, n. 1692 (15 février 1976), 181, 182.


23. Pohier, J.-M., “Les chrétiens devant les problèmes posés par la sexualité... aux chrétiens,” Le Supplément n. 111 (1974), 490-511. There have been many attempts within Roman Catholicism to develop a more adequate sexual ethics. Of special note are two books which unfortunately cost their authors the teaching positions they held: Stephan Pfürtnner, Kirche und Sexualität (Hamburg: Rowohlt, 1972); Ambrogio Valsecchi, Nuove vie dell’etica sessuale (Brescia: Queriniana, 1972).


26. Morrissey, Francis G., The Canonical Significance of Papal and Curial Pronouncements, p. 10. This is a pamphlet published by the Canon Law Society of America, but no date or place of publishing is given.

27. Thomas Aquinas, Summa Theologiae, Ia-IIae, q. 94, a. 4 and 5.


A Critique of John McNeill, S. J. and Gregory Baum, O. S. A. on the Subject of Homosexuality

John F. Harvey, O.S.F.S.

You may wonder why I have chosen to treat only two writers on the subject of homosexuality. It is my experience that John J. McNeill, S.J. and Gregory Baum, O.S.A. are regarded by gay Catholics as offering an alternative theology to that of the Church on the question of homosexuality.

Father Harvey is president of De Sales Hall School of Theology in Hyattsville, Md. He teaches courses in pastoral-moral theology in the Cluster of Independent Theological Schools in metropolitan Washington. Father Harvey is a frequent contributor to Linacre.

Going beyond the position of Charles Curran, who seeks to justify faithful homosexual unions by his principle of compromise, McNeill and Baum do not consider homosexual actions wrong in themselves. It is not surprising, then, that Dignity, a national organization of gay Catholics affirming that “gays can express their sexuality in a manner that is consonant with Christ’s teaching” makes frequent use of two statements of McNeill and Baum. The first, “The Homosexual and the Church,” is an excerpt from the keynote address McNeill delivered at the first national convention Dignity held in September, 1973 (National Catholic Reporter, October 5, 1973, 7-8, 13-14). The second statement by Gregory Baum, “Catholic Homosexuals,” appeared in Commonweal, February 15, 1974, 8-11.

Let me first describe McNeill’s position.

McNeill’s major arguments treat (1) the various texts in Holy Scripture concerning homosexuality and conclude that none of the texts contains a clear condemnation of faithful homosexual union; (2) he also affirms that man’s radical freedom enters into the formation of man’s sexual